IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

OP.No. 16947 of 1999(P)

PETITIONER:

K.M.SULAIMAN KUNJU,
PRINCIPAL, SICA,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.P.MOHAMMED ASLAM
SRI.P.M.KUNJIMOIDEENKUTTY

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY SECRETARY,**
DEPARTMENT OF HOME,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. **THE ADDITIONAL DIRECTOR GENERAL OF POLICE (PRISONS),**
PRISONS HEAD QUARTERS,
THIRUVANANTHAPURAM.

3. **PRINCIPAL SECRETARY,**
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P. NO.16947/1999

ORDER IN C.M.P.NO. 27634 OF 1999 IN O.P.NO.16947 OF 1999

DISMISSED

28/02/2007 **SD/-**
ANTONY DOMINIC, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE PHOTOCOPY OF PROVISIONAL SENIORITY LIST OF OFFICERS in the CADRE OF SUPERINTENDENTS OF CENTRAL PRISONS AND EQUATED CATEGORIES AS ON 1.1.98 DATED 15.7.1998.

EXT.P2: TRUE PHOTOCOPY OF LETTER NO.D3.892/93 DATED 22.2.1993 SENT BY THE ASSISTANT EXECUTIVE ENGINEER.

EXT.P3: TRUE PHTOCOPY OF JUDGMENT DATED 12.2.97 IN OP 809/1997 BY THIS HON'BLE COURT.

EXT.P4: TRUE PHOTOCOPY OF MEMO OF CHARGES DATED 20.1.96 SERVED ON THE PETITIONER ON 13.2.96.

EXT.P5: TRUE PHOTCOPY OF REPLY TO EXT.P4 SENT BY THE PETITIONER DATED 27.2.1996.

EXT.P6: TRUE PHOTCOPY OF ORDER G.O.(GEN)5088/98/HOME DATED 28.11.1998 ISSUED BY THE GOVERNMENT TO THE PETITIONER.

EXT.P7: TRUE PHOTOCOPY OF APPEAL DATED 25.1.99 FILED BY THE PETITIONER BEFORE CHIEF MINISTER OF KERALA.

EXT.P8: TRUE PHOTOCOPY OF G.O(GEN) NO.1188 DATED 23.3.99 SERVED ON THE PETITIONER BY THE GOVERNMENT.

//TRUE COPY//

ANTONY DOMINIC, J.

O.P NO.16947 OF 1999

Dated this the 28th day of February, 2007

J U D G M E N T

The prayer in this writ petition is to quash Exhibits P4, P6 and P8. In conclusion of a minor penalty proceedings, against the petitioner by Ext.P6, the minor punishment of barring of increment for 6 months without any cumulative effect was imposed on the petitioner. The allegation which has been proved against the petitioner is that, there has been lapses on his part in reporting to the authorities about the seizure of Ganga from the premises of the Central Jail, Viyyoor of which he was the Superintendent at the relevant time. Ext.P6 order disclose that the evidence that was available before the disciplinary authority has been referred to and the reasons which led to the conclusion of guilt is also satisfactorily given. Aggrieved by Ext.P6, the petitioner is seen to have filed an appeal as Ext.P7 which also met with dismissal by Ext.P8 order.

2. Exts.P6 and P8 discloses that there has been lapses on

the part of the petitioner, seriousness of which cannot be doubted. Such being the case, the misconduct having been made out, the petitioner deserved to be proceeded against. The punishment imposed is too minor and does not warrant to be interfered with.

O.P is dismissed.

ANTONY DOMINIC, JUDGE

Rp